United Nations A/CN.9/587

General Assembly

Distr.: General
3 March 2006

Original: English

United Nations Commission on International Trade Law
Thirty-ninth session
New York, 19 June-7 July 2006

Provisional agenda, annotations thereto and scheduling of meetings of the thirty-ninth session

I. Provisional agenda

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Preliminary approval of a draft UNCITRAL legislative guide on secured transactions.
5. Finalization and adoption of legislative provisions on interim measures and the form of arbitration agreement and of a declaration regarding the interpretation of articles II (2) and VII (1) of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.
6. Procurement: progress report of Working Group I.
7. Transport law: progress report of Working Group III.
8. Possible future work in the area of electronic commerce.
9. Possible future work in the area of insolvency law.
10. Possible future work in the area of commercial fraud.
11. Monitoring implementation of the 1958 New York Convention.
12. Technical assistance to law reform.
13. Status and promotion of UNCITRAL legal texts.

V.06-51737 (E) 310306 030406

14. Coordination and cooperation:

(a) General;

(b) Reports of other international organizations.

15. Congress 2007.

16. Willem C. Vis International Commercial Arbitration Moot competition.

17. Relevant General Assembly resolutions.

18. Other business.

19. Date and place of future meetings.

20. Adoption of the report of the Commission.

II. Annotations

1. Opening of the session

1. The thirty-ninth session of the Commission will be held at the United Nations Headquarters in New York, from 19 June to 7 July 2006.[1] The session will be opened on Monday, 19 June 2006, at 10.30 a.m. (see below, section III, paras. 52-57, for more details about the scheduling of meetings). As at 19 June 2006, the United Nations Commission on International Trade Law will be composed of the following member States: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Cameroon, Canada, Chile, China, Colombia, Croatia, Czech Republic, Ecuador, Fiji, France, Gabon, Germany, Guatemala, India, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Kenya, Lebanon, Lithuania, Madagascar, Mexico, Mongolia, Morocco, Nigeria, Pakistan, Paraguay, Poland, Qatar, Republic of Korea, Russian Federation, Rwanda, Serbia and Montenegro, Sierra Leone, Singapore, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Zimbabwe. In addition, States not members of the Commission, as well as invited international organizations, may attend as observers and participate in the deliberations leading to decisions, which are taken by consensus.

2. Election of officers

2. Pursuant to a decision taken by the Commission at its first session, the Commission elects, for each session, a Chairperson, three Vice-Chairpersons and a Rapporteur.

4. Preliminary approval of a draft UNCITRAL legislative guide on secured transactions

3. At its thirty-fourth session, in 2001, the Commission established Working Group VI (Security Interests) and entrusted it with the task of developing an efficient legal regime for security rights.[2] The Working Group, which is preparing a draft legislative guide on secured transactions, has held until the thirty-ninth session

of the Commission, in 2006, ten one-week sessions during which it considered draft chapters of the draft legislative guide prepared by the Secretariat.[3] In addition, the Working Group held two joint sessions with Working Group V (Insolvency Law).[4]

4. At its thirty-ninth session, the Commission will have before it the reports of the eighth (Vienna, 5-9 September 2005), ninth (New York, 30 January-3 February 2006) and tenth[5] (New York, 1-5 May 2006) sessions of the Working Group (A/CN.9/588, A/CN.9/593 and A/CN.9/603, respectively). The Commission will also have before it draft recommendations (A/CN.9/WG.VI/WP.24 and addenda 1, 2 and 5, A/CN.9/WG.VI/WP.26 and addenda 1 to 7, A/CN.9/WG.VI/WP.27 and A/CN.9/WG.VI/WP.28). In addition, under agenda item 14 (see para. 29 below), the Commission will have before it document A/CN.9/598/Add.4 for consideration in conjunction with this agenda item.

5. Pursuant to its considerations at its thirty-eighth session,[6] the Commission may wish to consider and approve in principle the substance of the draft recommendations of the draft legislative guide on secured transactions and, in particular, the scope of the draft legislative guide, the key objectives, the approaches to security, the creation of a security right, the effectiveness of a security right against third parties, the priority of a security right over the rights of competing claimants, the pre-default rights and obligations of the parties, the rights and obligations of third-party obligors, the enforcement of a security right, insolvency, acquisition financing devices, conflict-of-laws and transition.

6. It is expected that, on the basis of those considerations and decisions of the Commission, Working Group VI would complete its work on the draft legislative guide during its next two sessions to be held in 2006 and 2007 (see para. 45 below) and present the draft legislative guide to the Commission for final discussion and adoption at its fortieth session, in 2007. (For suggested scheduling of meetings to consider this agenda item, see para. 53 below).

5. Finalization and adoption of legislative provisions on interim measures and the form of arbitration agreement and of a declaration regarding the interpretation of articles II (2) and VII (1) of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards

7. At its thirty-second session, in 1999, the Commission entrusted one of its working groups, subsequently named Working Group II (Arbitration and Conciliation), with the consideration, among other priority items, of the requirement of written form for the arbitration agreement[7] and enforceability of interim measures of protection.[8]

8. At its thirty-eighth session, in 2005, the Commission noted that the Working Group had continued its discussion on a draft text for a revision of article 17 of the 1985 UNCITRAL Model Law on International Commercial Arbitration ("the Model Law")[9] on the power of an arbitral tribunal to grant interim measures, on draft provisions on the recognition and enforcement of interim measures issued by an arbitral tribunal and on interim measures issued by state courts in support of arbitration. The Commission noted as well that the Working Group had yet to complete its work in relation to the "writing requirement" contained in article 7 (2) of the Model Law and article II (2) of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)[10] (the "New York

Convention"). As expected by the Commission,[11] the Working Group had completed its work in respect of those issues. The Secretariat was requested to circulate the draft legislative provisions on interim measures and the form of arbitration agreement, and the draft declaration, to Governments for their comments, with a view to consideration and adoption of the draft legislative provisions and declaration by the Commission at its thirty-ninth session.

9. At its thirty-ninth session, the Commission will have before it the reports of the forty-third (Vienna, 3-7 October 2005) and forty-fourth (New York, 23-27 January 2006) sessions of the Working Group (A/CN.9/589 and A/CN.9/592, respectively). The Commission will also have before it the following documents: (i) a note by the Secretariat containing the newly revised version of the draft model legislative provisions on interim measures and remarks on the draft provisions (A/CN.9/605); (ii) a note by the Secretariat containing the newly revised version of the draft model legislative provisions on the form of arbitration agreement and remarks on the draft provisions (A/CN.9/606); (iii) a note by the Secretariat containing the newly revised version of the declaration on the interpretation of articles II (2) and VII (1) of the New York Convention and remarks on the declaration (A/CN.9/607); and (iv) a compilation of comments relating to provisions on interim measures and the form of arbitration agreement, and to the declaration, by Governments and international organizations (A/CN.9/609 and addenda, as necessary).

10. In planning the future activities of the Working Group, the Commission may wish to bear in mind its considerations at its previous sessions of future work in the field of arbitration[12] and the suggestions made in the Working Group.[13] In particular, at its forty-fourth session,[14] the Working Group suggested the following issues for possible future work of the Commission: possible revision of the UNCITRAL Arbitration Rules;[15] arbitrability of intra-corporate disputes (and possibly other issues relating to arbitrability, for example, arbitrability in the fields of intellectual property rights, investment disputes, insolvency or unfair competition); online dispute resolution (ODR); and State immunity in light of the recently adopted United Nations Convention on Jurisdictional Immunities of States and Their Property.[16] Other possible topics suggested were the revision of article 27 of the Model Law or addressing the impact of anti-suit injunctions on international arbitration by appropriately amending the Model Law. It was also suggested that the Working Group could consider the impact of arbitration on third parties as well as multi-party arbitrations. The Commission will have before it a note by the Secretariat containing topics that were mentioned in the Commission and the Working Group as worthy of consideration for future work (A/CN.9/610). (For suggested scheduling of meetings to consider this agenda item, see para. 54 below).

6. Procurement: progress report of Working Group I

11. At its thirty-sixth and thirty-seventh sessions, in 2003 and 2004, respectively, the Commission considered a possible revision of its 1994 Model Law on Procurement of Goods, Construction and Services,[17] on the basis of the notes by the Secretariat (A/CN.9/539 and Add.1, and A/CN.9/553).[18] At its thirty-seventh session, the Commission agreed that the Model Law would benefit from being updated to reflect new practices, in particular those resulting from the use of electronic communications in public procurement, and the experience gained in the

use of the Model Law as a basis for law reform. It decided to entrust the drafting of proposals for the revision of the Model Law to its Working Group I (Procurement). The Working Group was given a flexible mandate to identify the issues to be addressed in its considerations.[19]

12. Until the Commission's thirty-eighth session, in 2005, the Working Group held two one-week sessions at which it considered studies and drafting materials prepared by the Secretariat.[20] At its thirty-eighth session, in 2005, the Commission commended the Working Group for the progress made in its work and reaffirmed its support for the review being undertaken and for the inclusion of novel procurement practices in the Model Law.[21]

13. At its thirty-ninth session, the Commission will have before it the reports of the eighth (Vienna, 7-11 November 2005) and ninth (New York, 24-28 April 2006) sessions of the Working Group (A/CN.9/590 and A/CN.9/595, respectively). (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

7. Transport law: progress report of Working Group III

14. At its thirty-fourth session, in 2001, the Commission established Working Group III (Transport Law) to prepare, in close cooperation with interested international organizations, a legislative instrument on issues relating to the international carriage of goods, such as the scope of application, the period of responsibility of the carrier, obligations of the carrier, liability of the carrier, obligations of the shipper and transport documents.[22] At its thirty-fifth session, in 2002, the Commission approved the working assumption that the draft instrument on transport law should cover door-to-door transport operations.[23] At its thirty-sixth session, in 2003, the Commission noted the complexities involved in the preparation of the draft instrument, and authorized the Working Group, on an exceptional basis, to hold its twelfth and thirteenth sessions on the basis of two-week sessions, with the agreement that the length of the Working Group's sessions would be reassessed at the thirty-seventh session of the Commission.[24] At its thirty-seventh and thirty-eighth sessions, in 2004 and 2005, the Commission reaffirmed its appreciation of the magnitude and complexities of the project, and authorized the Working Group to hold its fourteenth, fifteenth, sixteenth and seventeenth sessions for two-week periods.[25] At its thirty-seventh session, the Commission expressed its support for the efforts of the Working Group to accelerate the progress of its work, particularly in view of the Commission's agreement that 2006 would be a desirable goal for completion of the project, but that the issue of establishing a deadline for such completion should be revisited at its thirty-eighth session, in 2005.[26] At its thirty-eighth session, the Commission commended the Working Group for the progress it had made and, in revisiting the issue of establishing a deadline for completion of the project, agreed that 2007 would be a desirable goal, but that the issue should again be revisited during its thirty-ninth session, in 2006.[27]

15. At its thirty-ninth session, the Commission will have before it the reports of the sixteenth (Vienna, 28 November-9 December 2005) and seventeenth (New York, 3-13 April 2006) sessions of the Working Group (A/CN.9/591 and Corr.1, and A/CN.9/594, respectively). (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

8. Possible future work in the area of electronic commerce

16. At its thirty-eighth session, in 2005, the Commission requested the Secretariat to prepare a detailed study on legal issues related to electronic commerce that had not thus far been dealt with by UNCITRAL with a view to assisting the Commission to consider the desirability and feasibility of preparing a reference document containing legislative and policy guidance on selected topics.[28]

17. The Commission will have before it a note prepared by the Secretariat in consultation with other organizations covering various areas related to electronic commerce, with proposals as to the form and nature of the reference document that would be envisaged (A/CN.9/604). The Commission may wish to use that note as a basis for its deliberations. (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

9. Possible future work in the area of insolvency law

18. The Commission may wish to recall that at its thirty-eighth session, in 2005, it considered a number of proposals for future work in the area of insolvency law (A/CN.9/582 and Add.1-7) and agreed that an international insolvency colloquium should be held to facilitate further consideration of those topics and obtain the views and benefit from the expertise of international organizations and insolvency experts. The Commission will have before it notes by the Secretariat reporting on the colloquium held in Vienna from 14 to 16 November 2005, and discussing possible options for future work on insolvency law (A/CN.9/596 and A/CN.9/597, respectively). (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

10. Possible future work in the area of commercial fraud

19. The Commission may wish to recall its consideration of the subject at its thirty-fifth to thirty-eighth sessions, in 2002 to 2005, respectively.[29] At its thirty-seventh session, in 2004, the Commission agreed that it would be useful if, wherever appropriate, examples of commercial fraud were to be discussed in the particular contexts of projects worked on by the Commission so as to enable delegates involved in those projects to take the problem of fraud into account in their deliberations. In addition, the Commission agreed that the preparation of lists of common features present in typical fraudulent schemes could be useful as educational material for participants in international trade and other potential targets of perpetrators of fraud to the extent they would help them protect themselves and avoid becoming victims of fraudulent schemes. While it was not proposed that the Commission itself or its intergovernmental working groups be directly involved in that activity, it was agreed that the Secretariat would keep the Commission informed about it.[30]

20. At its thirty-eighth session, the Commission's attention was drawn to resolution 2004/26 adopted by the Economic and Social Council (ECOSOC) on 21 July 2004, entitled "International cooperation in the prevention, investigation, prosecution and punishment of fraud, the criminal misuse and falsification of identity and related crimes". The resolution envisaged an intergovernmental expert group,[31] that would prepare a study on fraud and the criminal misuse and falsification of identity, and develop on the basis of such a study relevant practices,

guidelines or other materials, taking into account in particular the relevant work of UNCITRAL. The resolution also recommended that the Secretary-General designate the United Nations Office on Drugs and Crime (UNODC) to serve as secretariat for the intergovernmental expert group, in consultation with the secretariat of UNCITRAL. As the Commission also heard at its thirty-eighth session, an intergovernmental expert group meeting was held by UNODC from 17 to 18 March 2005.[32] At that same session, the Commission expressed its support for the assistance of the UNCITRAL secretariat in the UNODC project.[33]

21. At its thirty-ninth session, the Commission will hear an oral report from its secretariat on the assistance that it has provided to UNODC in UNODC's role as secretariat for the intergovernmental expert group preparing the study on fraud. The Commission will also have before it a note by the Secretariat reporting on the progress made in the preparation of lists of common features present in typical fraudulent schemes (A/CN.9/600). (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

11. Monitoring implementation of the 1958 New York Convention

22. The Commission may wish to recall that, at its twenty-eighth session, in 1995, it had approved a project, undertaken jointly with Committee D of the International Bar Association, aimed at monitoring the legislative implementation of the New York Convention.[34] At its thirty-seventh session, in 2004, the Commission requested the Secretariat, subject to the availability of the necessary resources, to undertake its best efforts to produce for consideration by the Commission at its thirty-eighth session a preliminary analysis of the replies received by the Secretariat in response to the questionnaire circulated in connection with the project.[35] In accordance with that request, the Secretariat presented an interim report to the Commission at its thirty-eighth session (A/CN.9/585), which provided the Commission with an overview of issues raised by the replies and envisaged questions which might be added to the survey of the implementation of the New York Convention.[36]

23. At its thirty-ninth session, the Commission will hear an oral report on additional questions that the Secretariat proposes to put to States in order to obtain more comprehensive information regarding implementation practice so as to be able to present a more comprehensive report on legislation implementing the New York Convention. (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

12. Technical assistance to law reform

24. The Commission will have before it a note by the Secretariat on technical assistance activities undertaken since the Commission's thirty-eighth session and on the technical assistance resources, including UNCITRAL publications, the UNCITRAL website, Case Law on UNCITRAL texts (CLOUT) and digests of case law (A/CN.9/599).

25. The Commission will also have before it a bibliography of recent writings related to its work (A/CN.9/602). (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

13. Status and promotion of UNCITRAL legal texts

26. At its thirty-ninth session, the Commission will have before it a note by the Secretariat concerning the present status of the conventions and model laws resulting from its work as well as the status of the New York Convention (A/CN.9/601).

27. The Commission will also hear an oral report by the Secretariat on measures to promote ratification of the United Nations Convention on the Use of Electronic Communications in International Contracts, adopted by the General Assembly on 23 November 2005[37] and opened for signature on 16 January 2006. The Commission will also have before it a note by the Secretariat containing the text of the explanatory notes to the text of the Convention (A/CN.9/608 and Add.1-4), which the Commission, at its thirty-eighth session, requested the Secretariat to prepare.[38] The Commission may wish to take note of the explanatory notes and request the Secretariat to publish and widely circulate them. (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

28. At the thirty-ninth session of the Commission, a special signing ceremony will be held pursuant to the Commission's request at its thirty-eighth session,[39] to give States the possibility to sign the Convention (see para. 52 below). The programme for the ceremony will be released in due course.

14. Coordination and cooperation

(a) General

29. At its thirty-ninth session, the Commission will have before it a note by the Secretariat entitled "Coordination of work" (A/CN.9/598 and addenda), providing a brief survey of the work of international organizations related to the harmonization of international trade law, including both substantive work and work on technical assistance to law reform.

(b) Reports of other international organizations

30. Representatives of other international organizations will be given an opportunity to apprise the Commission of their current activities and possible means of strengthening cooperation. (For suggested scheduling of meetings to consider this agenda item, see paras. 53 and 55 below).

15. Congress 2007

31. At its thirty-eighth session, in 2005, the Commission approved the plan to hold, in the context of the fortieth annual session of the Commission in Vienna, in 2007, a congress similar to the UNCITRAL Congress on Uniform Commercial Law in the Twenty-first Century (New York, 18-22 May 1992).[40] The Commission envisaged that the congress would review the results of the past work programme of UNCITRAL, as well as related work of other organizations active in the field of international trade law, assess current work programmes and consider and evaluate topics for future work programmes. At its thirty-ninth session, the Commission will have before it a note by the Secretariat concerning possible topics and other arrangements for the Congress (A/CN.9/598/Add.2). (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

16. Willem C. Vis International Commercial Arbitration Moot competition.

32. An oral report will be presented on the Thirteenth Annual Willem C. Vis International Commercial Arbitration Moot competition. (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

17. Relevant General Assembly resolutions

33. The Commission may wish to take note of two General Assembly resolutions adopted on the recommendation of the Sixth Committee, resolution 60/20, on the report of the Commission on the work of its thirty-eighth session, and 60/21, on the United Nations Convention on the Use of Electronic Communications in International Contracts, both of 23 November 2005. Copies of the resolutions and the report of the Sixth Committee (A/60/515) will be made available at the thirty-ninth session of the Commission. (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

18. Other business

34. An oral report will be presented on the internship programme in the Commission's secretariat. (For suggested scheduling of meetings to consider this agenda item, see para. 55 below).

19. Date and place of future meetings

Fortieth session of the Commission

35. The fortieth session of the Commission will be held in Vienna. Arrangements have been made for the session to be held for up to four weeks, from 18 June to 13 July 2007. The Congress (see para. 31 above) is planned to be held during the last week of the session, from 9 to 13 July 2007.

Sessions of working groups

36. At its thirty-sixth session, in 2003, the Commission agreed that: (a) working groups should normally meet for a one-week session twice a year; (b) extra time, if required, could be allocated from the unused entitlement of another working group provided that such arrangement would not result in the increase of the total number of 12 weeks of conference services per year currently allotted to sessions of all six working groups of the Commission; and (c) if any request by a working group for extra time would result in the increase of the 12-week allotment, it should be reviewed by the Commission, with proper justification being given by that working group regarding the reasons for which a change in the meeting pattern was needed.[41]

37. In view of the magnitude and complexities of the project before Working Group III (Transport Law), the Commission may wish to consider authorizing two-week sessions of the Working Group to be held in the autumn of 2006 and the spring of 2007, as suggested in paragraph 42 below, utilizing the entitlement of Working Group IV (Electronic Commerce), which is not expected to meet before the Commission's fortieth session. The Commission may wish to consider the matter in conjunction with its consideration of a possible time frame for the completion of the draft instrument by the Working Group (see para. 14 above).

38. Subject to the Commission's decision on a possible future work in the area of insolvency law (see para. 18 above), arrangements have been made for sessions of Working Group V (Insolvency Law) in the autumn of 2006 and in the spring of 2007, as reflected in paragraph 44 below.

39. In addition, tentative arrangements have been made for a session in the autumn of 2007, as reflected in paragraph 49 below, which could be used to accommodate the need for a session of either Working Group V (Insolvency Law) or, subject to the Commission's decision on the future work in the area of electronic commerce (see paras. 16 and 17 above), of Working Group IV (Electronic Commerce). The resulted saving of one-week conference services in the autumn of 2007 would allow holding the twentieth session of Working Group III (Transport Law) for two weeks (see para. 48 below).

Sessions of working groups up to the fortieth session of the Commission

Working Group I (Procurement)

40. The tenth session of the Working Group could be held in Vienna from 25 to 29 September 2006, and the eleventh session could be held in New York, from 21 to 25 May 2007.

Working Group II (Arbitration and Conciliation)

41. The forty-fifth session of the Working Group could be held in Vienna from 11 to 15 September 2006, and the forty-sixth session could be held in New York, from 5 to 9 February 2007.

Working Group III (Transport Law)

42. The eighteenth session of the Working Group could be held in Vienna, from 6 to 17 November 2006, and the nineteenth session could be held in New York, from 16 to 27 April 2007.

Working Group IV (Electronic Commerce)

43. No session of the Working Group is envisaged.

Working Group V (Insolvency Law)

44. The thirty-first session of the Working Group could be held in Vienna, from 11 to 15 December 2006, and the thirty-second session could be held in New York, from 14 to 18 May 2007.

Working Group VI (Security Interests)

45. The eleventh session of the Working Group could be held in Vienna, from 4 to 8 December 2006, and the twelfth session could be held in New York, from 12 to 16 February 2007.

Sessions of working groups in 2007 after the fortieth session of the Commission

Working Group I (Procurement)

46. Tentative arrangements have been made for the twelfth session of the Working Group to be held in Vienna, from 3 to 7 September 2007.

Working Group II (Arbitration and Conciliation)

47. Tentative arrangements have been made for the forty-seventh session of the Working Group to be held in Vienna, from 10 to 14 September 2007.

Working Group III (Transport Law)

48. Tentative arrangements have been made for the twentieth session of the Working Group to be held in Vienna, from 15 to 25 October 2007 (the United Nations, Vienna Office, will be closed on 26 October).

Working Group IV (Electronic Commerce) or Working Group V (Insolvency Law)

49. Tentative arrangements have been made for a session to be held in Vienna, from 5 to 9 November 2007, which could be used for the forty-fifth session of Working Group IV (Electronic Commerce) or for the thirty-third session of Working Group V (Insolvency Law), depending on the needs of the working groups.

Working Group VI (Security Interests)

50. Tentative arrangements have been made for the thirteenth session of the Working Group to be held in Vienna, from 24 to 28 September 2007.

20. Adoption of the report of the Commission

51. The General Assembly, in its resolution 2205 (XXI) of 17 December 1966, decided that the Commission should submit an annual report to it and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Pursuant to a decision of the Sixth Committee,[42] the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer designated by the Chairman. (For suggested scheduling of meetings to consider this agenda item, see paras. 52 to 54 below).

III. Scheduling of meetings and documentation

52. The Commission will meet for fourteen days (the United Nations will be closed on Tuesday, 4 July). On Thursday, 6 July, the Secretariat intends to organize a special ceremony for signing the United Nations Convention on the Use of Electronic Communications in International Contracts (see para. 28 above). Thursday, 6 July, will also be used by the Secretariat to prepare the draft report, which will be presented to the Commission for adoption on Friday, 7 July.

53. The Secretariat recommends that, after agenda items 1 to 3, the Commission take up agenda item 4 (Preliminary approval of a draft UNCITRAL legislative guide on secured transactions) and that it devote to it five working days of the session (i.e. from Monday, 19 June, until Friday, 23 June). Efforts are being made and it

may be reasonably expected that adoption of the report of the Commission on this topic will take place on Monday, 26 June 2006. It is suggested that a part of agenda item 14 related to security interests should be considered in conjunction with agenda item 4 (see para. 4 above).

54. The Secretariat recommends that most of the time of the second week of the session be devoted to agenda item 5 (Finalization and adoption of legislative provisions on interim measures and the form of arbitration agreement and of a declaration regarding the interpretation of articles II (2) and VII (1) of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards). The formal adoption of legislative provisions and of a declaration could take place on Monday, 3 July.

55. It is suggested that the rest of the session be devoted to agenda items 6-19.

56. It should be noted that the above recommendations on the scheduling of agenda items are intended to assist States and interested organizations in planning the attendance of their pertinent representatives; the actual scheduling will be determined by the Commission itself.

57. Meetings will be held from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m., except on Monday, 19 June, when the morning meeting will commence at 10.30 a.m.

58. UNCITRAL documents are posted on the UNCITRAL website (http://www.uncitral.org/) upon their issuance in all the official languages of the United Nations. Delegates may wish to check the availability of the documents for the thirty-ninth session by accessing the page of the thirty-ninth session of the Commission in the "Commission Sessions" section of the UNCITRAL website (http://www.uncitral.org/).

Notes

[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17* (A/60/17), para. 239.

[2] Ibid., *Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 358.

[3] The report of the first session (New York, 20-24 May 2002) is contained in document A/CN.9/512, the report of the second session (Vienna, 17-20 December 2002) is contained in document A/CN.9/531, the report of the third session (New York, 3-7 March 2003) is contained in document A/CN.9/532, the report of the fourth session (Vienna, 8-12 September 2003) is contained in document A/CN.9/543, the report of the fifth session (New York, 22-25 March 2004) is contained in document A/CN.9/549, the report of the sixth session (Vienna, 27 September-1 October 2004) is contained in document A/CN.9/570, and the report of the seventh session (New York, 24 28 January 2005) is contained in document A/CN.9/574.

[4] For the report of Working Group V (Insolvency Law) and Working Group VI (Security Interests) on the work of their first joint session (Vienna, 16-17 December 2002), see document A/CN.9/535; and for the report of Working Group V (Insolvency Law) and Working Group VI (Security Interests) on the work of their second joint session (New York, 26 and 29 March 2004), see document A/CN.9/550.

[5] At its ninth session (New York, 30 January-3 February 2006), Working Group VI (Security Interests) recalled that the Commission, at its thirty-sixth session, in 2003, had agreed that extra

time, if required, could be allocated from the unused entitlement of another working group, provided that such an arrangement would not result in the increase of the total number of 12 weeks of conference services per year currently allotted to sessions of all six working groups of the Commission (see para. 36 above). It also took note of the reserved meeting dates from 1 to 5 May 2006 available for a working group that might need to hold a longer or additional session (*Official Records of the General Assembly, Sixtieth Session, Supplement No. 17*, para. 238). In view of the Commission expectation to approve in principle the substance of the recommendations of the draft legislative guide at its thirty-ninth session (ibid., para. 187), the Working Group decided to use the reserved meeting dates for an extra session (see A/CN.9/593, para. 97).

[6] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17* (A/60/17), para. 187.

[7] Ibid., *Fifty-fourth Session, Supplement No. 17* (A/54/17), paras. 344-350 and 380.

[8] Ibid., paras. 371-373 and 380.

[9] Ibid., *Fortieth Session, Supplement No. 17* (A/40/17), annex I.

[10] United Nations, *Treaty Series*, vol. 330, No. 4739.

[11] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17* (A/60/17), para. 177.

[12] Ibid., *Fifty-fourth Session, Supplement No. 17* (A/54/17), para. 380; ibid., *Fifty-fifth Session, Supplement No. 17* (A/55/17), paras. 389-399; ibid., *Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 311; ibid., *Fifty-seventh Session, Supplement No. 17* (A/57/17), para. 180; ibid., *Fifty-eighth Session, Supplement No. 17* (A/58/17), para. 204; ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), para. 60; and ibid., *Sixtieth Session, Supplement No. 17* (A/60/17), para. 178.

[13] See, in particular, the report of the Working Group on the work of its forty-second session (New York, 10-14 January 2005) (A/CN.9/573, para. 100).

[14] Report of the Working Group on the work of its forty-fourth session (New York, 23-27 January 2006) (A/CN.9/592, paras. 89-95).

[15] *Official Records of the General Assembly, Thirty-first Session, Supplement No. 17* (A/31/17), para. 57.

[16] General Assembly resolution 59/38 of 2 December 2004.

[17] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17* and corrigendum (A/49/17 and Corr.1), annex I.

[18] Ibid., *Fifty-eighth Session, Supplement No. 17* (A/58/17), paras. 225-230, and ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 79-82.

[19] Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 81-82.

[20] For the reports of the Working Group on the work of its sixth and seventh sessions, see A/CN.9/568 and A/CN.9/575, respectively.

[21] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17* (A/60/17), para. 172.

[22] Ibid., *Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), para. 345.

[23] Ibid., *Fifty-seventh Session, Supplement No. 17* (A/57/17), para. 224.

[24] Ibid., *Fifty-eighth Session, Supplement No. 17* (A/58/17), para. 208.

[25] Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 64 and 132-133, and ibid., *Sixtieth Session, Supplement No. 17* (A/60/17), paras. 183 and 238.

[26] Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 64-66.

[27] Ibid., *Sixtieth Session, Supplement No. 17* (A/60/17), paras. 183-184.

[28] Ibid., para.214.

[29] Ibid., *Fifty-seventh Session, Supplement No. 17* (A/57/17), paras. 279-290; ibid., *Fifty-eighth Session, Supplement No. 17* (A/58/17), paras. 231-241; ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 108-112, and ibid., *Sixtieth Session, Supplement No. 17* (A/60/17), paras. 216-220.

[30] Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 110-112.

[31] The representation in the intergovernmental expert group is based on the regional composition of the Commission on Crime Prevention and Criminal Justice and is to reflect the diversity of legal systems and open to any Member State wishing to participate as an observer.

[32] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17* (A/60/17), para. 218.

[33] Ibid., para. 219.

[34] Ibid., *Fiftieth Session, Supplement No. 17* (A/50/17), paras. 401-404.

[35] Ibid., *Fifty-ninth Session, Supplement No. 17* (A/59/17), para. 84.

[36] Ibid., *Sixtieth session, Supplement No. 17* (A/60/17), paras. 188-191.

[37] General Assembly resolution 60/21.

[38] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 17* (A/60/17), para. 165.

[39] Ibid., para. 109.

[40] For the proceedings of the Congress, see document A/CN.9/SER.D/1; also published as a United Nations publication (Sales No. E.94.V.14).

[41] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 17* (A/58/17), para. 275.

[42] Ibid., *Twenty-third Session, annexes*, agenda item 88, document A/7408, para. 3.